



SUBMITTED ELECTRONICALLY
Via FOIA Online

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
(202) 566-1667

December 11, 2018

Re: Freedom of Information Act Request for TSCA PMN Information

Dear National Freedom of Information Officer:

Environmental Defense Fund (EDF) respectfully requests records, as that term is described at 5 U.S.C. § 552(f)(2) of the Freedom of Information Act (FOIA), of the U.S. Environmental Protection Agency (EPA or the Agency). Specifically, EDF requests copies of records regarding the premanufacture notices (PMNs) numbered P-17-0382, P-18-0054, P-18-0078, P-18-0136, P-18-0147, P-18-0261, and P-18-0279. Responsive records include the non-confidential versions of the following items:

- The original PMN and all of its attachments;
- Any correspondence between EPA and the PMN submitter, though in order to expedite this request, EPA need not perform an email search;
- All of EPA's scientific analyses developed in association with its review of these PMNs, including, but not limited to, the Human Health Report, Focus Report, Chemistry Report, Fate Report, Ecotox Report, Engineering Report, Exposure Report, Structure Activity Team (SAT) report, and any risk assessment that EPA conducted of the PMN substances; and
- Any amendments to or amended versions of the original PMNs and attachments.

Requests of this limited nature have typically taken less than thirty days to be completed by the FOIA office. *See* EPA-HQ-2018-003363 (completed in 29 days); EPA-HQ-2018-005801 (completed in 28 days).

Request for Fee Waiver

As a non-partisan, non-profit organization that provides to the public information that is in the public interest, EDF respectfully requests a waiver of fees associated with this request. We are not seeking information for any commercial purpose and the records received will contribute to a greater public understanding of issues of considerable public interest: EPA's determination that these new chemical substances with recognized human health or environmental hazards are "not likely to present an unreasonable risk of injury to health or the environment," thereby allowing these chemicals to enter the market without any restrictions.¹ 15 U.S.C.

§ 2604(a)(3)(C). More specifically, EPA has approved these chemical substances despite identifying concerns such as irritation, sensitization, lung effects, liver and spleen effects, and systemic toxicity. The chemical substances are of considerable public interest because, at a minimum, there may or will be exposures to workers.

EDF is well-positioned to disseminate the records to the public, as we engage in extensive, daily efforts to inform the public about matters involving environmental policy through press releases, action alerts, reports, analyses, blogs, and other public outreach materials.² These outreach channels are proven effective: a press release that EDF released in response to a partial

¹ TSCA Section 5(a)(3)(C) Determination for Premanufacture Number (PMN) P-17-0382, <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-124>; TSCA Section 5(a)(3)(C) Determination for Premanufacture Numbers (PMN) P-18-0054, <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-123>; TSCA Section 5(a)(3)(C) Determination for Premanufacture Numbers (PMN) P-18-0078, <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-122>; TSCA Section 5(a)(3)(C) Determination for Premanufacture Number (PMN) P-18-0136, <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-125>; TSCA Section 5(a)(3)(C) Determination for Premanufacture Number (PMN) P-18-0147, <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-126>; TSCA Section 5(a)(3)(C) Determination for Premanufacture Numbers (PMN) P-18-0261, <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-121>; TSCA Section 5(a)(3)(C) Determination for Premanufacture Number (PMN) P-18-0279, <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-127>.

² See, e.g., Press Release, EDF, *D.C. Circuit to Review "Fact-Free" Underpinning of Attempt to Weaken Clean Cars Standards* (Nov. 21, 2018), <https://www.edf.org/media/dc-circuit-review-fact-free-underpinning-attempt-weaken-clean-cars-standards>; Press Release, EDF, *Victory for advocates on lead acetate: FDA agrees to ban toxic lead compound from hair dyes* (Oct. 30, 2018), <https://www.edf.org/media/victory-advocates-lead-acetate-fda-agrees-ban-toxic-lead-compound-hair-dyes>; Richard Denison, *The Trump EPA's latest TSCA gift to the chemical industry is illegal and the height of hypocrisy*, EDF HEALTH BLOG (Dec. 4, 2018), <http://blogs.edf.org/health/2018/12/04/the-trump-epas-latest-tsca-gift-to-the-chemical-industry-is-illegal-and-the-height-of-hypocrisy/>.

production of EPA records was quickly picked up by a major media outlet.³ We fully intend to disseminate newsworthy information received in response to this request. In particular, the documents requested would shed light on EPA's understanding of the chemical substances, including any health and safety concerns that may have arisen during the review process. Accordingly, we respectfully request that the documents be furnished without charge. 5 U.S.C. § 552(a)(4)(A)(iii).

For ease of administration and to conserve resources, we will accept documents produced in a readily accessible electronic format. Please provide records on a **rolling basis** as needed; EPA's search for, or deliberations concerning, certain records should not delay the production of others that EPA has already retrieved and elected to produce. In the event EDF's request for a fee waiver is denied or if you have any questions about this request, please contact me immediately by telephone at (202) 572-3535 or by email at sschwarz@edf.org.

Respectfully submitted,

Stephanie Schwarz

Environmental Defense Fund
1875 Connecticut Ave. NW, Suite 600
Washington, D.C. 20009
T: (202) 572 – 3535
sschwarz@edf.org

³ Press Release, EDF, *Environmental Defense Fund Obtains Information on Over 1,900 Climate-Related Items Removed from or Modified on EPA Website* (Aug. 11, 2017), <https://www.edf.org/media/environmental-defense-fund-obtains-information-over-1900-climate-related-items-removed-or>; Coral Davenport & Eric Lipton, *Scott Pruitt Is Carrying Out His E.P.A. Agenda in Secret, Critics Say*, N.Y. Times (Aug. 11, 2017), <https://www.nytimes.com/2017/08/11/us/politics/scott-pruitt-epa.html> (citing EDF's press release).